

CSC

UNITED STATES DISTRICT COURT

FILED

08 JAN 29 AM 9:42

SOUTHERN DISTRICT OF CALIFORNIA

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

PDC

BY:

DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Enrique MARTINEZ-Rodriguez

Defendant.

Magistrate Case No.

'08 MJ 0263

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Sec.

1324(a)(2)(B)(iii) -

Bringing in Alien(s) Without  
Presentation (Felony)

The undersigned complainant, being duly sworn, states:

That on or about **January 28, 2008**, within the Southern District of California, defendant **Enrique MARTINEZ-Rodriguez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Julian CASILLAS-Nava**, **Domingo TORRES-Penaloza**, and **M.V.L.E** had not received prior official authorization to come to, enter and reside in the United States, did attempt to bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 29<sup>th</sup> DAY OF  
JANUARY 2008.

UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

The complainant states that **Julian CASILLAS-Nava, Domingo TORRES-Penaloza, and M.V.L.E.**, are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On **January 28, 2008** at approximately **4:20 PM**, **Enrique MARTINEZ-Rodriguez (Defendant)** made application for admission into the United States driving a blue Chevy Malibu at the San Ysidro Port of Entry. Defendant presented an altered DSP-150 Laser Visa card bearing the name David Alexis Verduzco-Cristerna as his entry document to a Customs and Border Protection (CBP) officer. The CBP officer received two negative customs declarations from Defendant and requested him to open the trunk of the vehicle. The CBP officer noticed Defendant was unable to open the trunk. Upon inspection of the vehicle, the CBP officer discovered four individuals concealed in the trunk. The vehicle and its occupants were escorted to the secondary area for further inspection.

In secondary, CBP officers removed four individuals from within the trunk of the vehicle. Three individuals are now identified as Material Witnesses: **Julian CASILLAS-Nava (MW1), Domingo TORRES-Penaloza (MW2), and minor M.V.L.E (MW3)**. Material Witnesses were determined to be citizens of Mexico with no entitlements to enter, pass-through, or reside in the United States.

During a videotaped proceeding, Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted an unknown man provided him with the altered DSP-150 Laser Visa card, a counterfeit Mexican driver's license and the vehicle loaded with an unknown number of individuals concealed in its trunk. Defendant stated the unknown man was going to pay him between \$700.00 and \$800.00 for smuggling the individuals into the United States. Defendant stated he was going to drive the vehicle to an unknown location in San Diego and later would return to Mexico to be paid for the smuggling service. Defendant stated he knew the document he presented belonged to another person and that he has no legal documents to enter the United States. Defendant further stated he knows it is illegal to use a document other than his.

Videotaped interviews were conducted with Material Witnesses. Material Witnesses stated they are citizens of Mexico with no documents to lawfully enter or reside in the United States. MW1 stated he made the arrangements with an unknown woman for him to be smuggled into the United States for \$2500.00 (USD). MW2 stated he made the arrangements for him to be smuggled into the United States for \$3500.00 (USD). M.V.L.E stated her husband made the arrangements for her to be smuggled into the United States for \$3000.00 (USD). Material Witnesses stated they intended to travel to Newman and San Jose, California to seek employment and reunite with family.